

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2699 OF 2006

M/s. Nicafe Private Limited and ors. ..Petitioners

Vs.

The Municipal Corporation of Gr.
Bombay and anr. ..Respondents

Mr.Anil Singh i/by Mr. D.R. Shah for the petitioners.
Ms. Trupti Puranik for respondent no.1.
Mr.D.H. Mehta a/w Kettan R. Parekh i/by K.R. Parekh
and co. for respondent no.2.

**CORAM: B.H. MARLAPALLE &
S.R. SAHTE, JJ.**

Date : July 02, 2007.

P.C.:

1. Heard Mr. Singh the learned counsel for the petitioners-landlords. Mr. Mehta appears for respondent no.2. The Corporation has filed affidavit in reply.

2. The respondent no.2-tenant has stated across the bar that on 1/2/2007 a proposal has been submitted

on his behalf for regularisation of the mezzanine floor of the suit premises and it appears that in response thereto the respondent-Corporation called on the respondent no.2 vide its letter dated 3/3/2007 for compliance. From the said letter it appears that the application submitted on behalf of the respondent no.2 for regularisation of the mezzanine floor has been received by the Corporation on 6/4/2007 and admittedly as on today the said application is still pending.

3. The petitioners being owners-landlords it is imperative that they are heard by the Corporation on the proposal submitted by the respondent no.2 and the said proposal will have to be decided on its own merits and as per the policy decisions of the Corporation in vogue as of now.

4. We, therefore, direct that the proposal dated 6/4/2007 received by the Municipal Corporation, Greater Mumbai from respondent no.2 shall be considered on its own merits as expeditiously as possible and preferably within a period of six weeks from today after hearing both the parties, namely, the

petitioners-landlords as well as the respondent no.2-tenant.

5. The petition is disposed off in terms of the above directions. A copy of the application submitted to the Corporation shall be supplied by the respondent no.2 to the petitioners within one week.

(S.R. Sathe, J.)

(B.H. Marlapalle, J.)